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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,324	12/14/2001	Tadao Kusuda	NAK1-BQ74	4960
21611	7590	10/06/2004	EXAMINER	
SNELL & WILMER LLP 1920 MAIN STREET SUITE 1200 IRVINE, CA 92614-7230			NAHAR, QAMRUN	
			ART UNIT	PAPER NUMBER
			2124	

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/022,324		KUSUDA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Qamrun Nahar		2124	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/19/02</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the preliminary amendment filed on 12/14/01.
2. Claim 7 has been amended.
3. Claims 17-18 have been added.
4. Claims 1-18 are pending.
5. Claims 1-18 have been examined.

### ***Information Disclosure Statement***

6. The information disclosure statement filed on 2/19/02 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Specification***

7. The use of the trademark JAVA has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 13 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13 and 16 recites the limitation "the data modified" in lines 5-6 and 6-7 of the claims, respectively. There is insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is interpreted as "data modified".

***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-3, 9-12 and 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Maeda et al. (EP 0 905 608 A1) (hereinafter, "Maeda").

**Per Claim 1:**

The Maeda publication discloses:

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- an uninstall control apparatus connected with a master device and for controlling a process for uninstalling control software from the master device, the control software being used by the master device for controlling one or more slave devices a system consisting of the master device and the one or more of slave devices (“control method of a composite apparatus”, column 3, lines 12-24)

- timing means for, if one of the slave devices is disconnected from the system, measuring elapsed time since the disconnection of the disconnected slave device (column 8, lines 16-44; column 11, lines 1-9; and see Figure 5C)

- timing control means for controlling the timing for uninstalling control software for the disconnected slave device; and uninstall means for uninstalling the control software for the disconnected slave device under the control of the timing control means, wherein the timing control means controls the uninstall means to start uninstalling, if the disconnected slave device is not reconnected to the system before the measured elapsed time reaches a first predetermined time (column 8, lines 20-37).

**Per Claim 2:**

The Maeda publication discloses:

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- wherein the disconnection/reconnection of the slave device from the system is detected by a bus reset signal generated following the disconnection/reconnection (column 8, lines 16-44).

**Per Claim 3:**

The Maeda publication discloses:

- wherein the uninstall process executed by the uninstall means includes a plurality of stages, and the timing control means controls the uninstall means to execute each of the plurality of stages in response to the elapsed time measured by the timing means (column 8, lines 16-44).

**Per Claim 9:**

The Maeda publication discloses:

- wherein the timing control means controls the uninstall means to execute each of the plurality of stages at a predetermined time set for the stage, wherein the uninstall control apparatus further comprises: updating means for updating the first predetermined time and at least one of the predetermined times set for the plurality stages in accordance with external designation (column 13, lines 6-11).

**Per Claim 10:**

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The Maeda publication discloses:

**- update information reception means for receiving update information on control software, wherein when the update information reception means receives update information on control software and disconnection of the slave device corresponding to the control software is detected for the first time after receiving the update information, the timing control means controls the uninstall means to execute the uninstall process without controlling the process based on the elapsed time (column 13, lines 6-11).**

**Per Claim 11:**

This is a method version of the claimed apparatus discussed above (claims 1 and 2), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Maeda.

**Per Claim 12:**

This is a method version of the claimed apparatus discussed above, claim 3, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Maeda.

**Per Claim 14:**

This is a computer-readable recording medium version of the claimed apparatus discussed above (claims 1 and 2), wherein all claim limitations also have been addressed and/or

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covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Maeda.

**Per Claim 15:**

This is a computer-readable recording medium version of the claimed apparatus discussed above, claim 3, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also anticipated by Maeda.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 4, 6-8, 13, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda in view of Davis (U.S. 5,862,393).

**Per Claim 4:**

The rejection of claim 3 is incorporated, and further, Maeda does not explicitly teach restoration means for restoring data modified in the uninstall process, wherein the timing control means, when the reconnection of the slave device is detected before the uninstall means completes the uninstall process, stops the uninstall process by the uninstall means and gives the restoration means an instruction to restore the data modified by the time when the reconnection



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is detected to a state before starting of the uninstall process. Davis teaches restoration means for restoring data modified in the uninstall process, wherein the timing control means, when the reconnection of the slave device is detected before the uninstall means completes the uninstall process, stops the uninstall process by the uninstall means and gives the restoration means an instruction to restore the data modified by the time when the reconnection is detected to a state before starting of the uninstall process (column 3, lines 38-49).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the apparatus disclosed by Maeda to include restoration means for restoring data modified in the uninstall process, wherein the timing control means, when the reconnection of the slave device is detected before the uninstall means completes the uninstall process, stops the uninstall process by the uninstall means and gives the restoration means an instruction to restore the data modified by the time when the reconnection is detected to a state before starting of the uninstall process using the teaching of Davis. The modification would be obvious because one of ordinary skill in the art would be motivated to retain device configuration information (Davis, column 2, lines 21-32).

**Per Claim 6:**

The rejection of claim 4 is incorporated, and Maeda further teaches wherein the uninstall process executed by the uninstall means includes a stage for deleting registration information on the control software being the target for the uninstall process, the registration information being generated at the time when the control software was installed, and the timing control means

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controls the uninstall means to delete the registration information when the elapsed time reaches a third predetermined time (column 11, lines 1-16).

**Per Claim 7:**

The rejection of claim 4 is incorporated, and Maeda further teaches storage means for storing installed control software, wherein the uninstall process executed by the uninstall means includes a stage for deleting the control software being the target for the uninstall process from the storage means, and the timing control means controls the uninstall means to delete the control software from the storage means when the elapsed time reaches a fourth predetermined time (column 11, lines 1-16 and see Figure 9).

**Per Claim 8:**

The rejection of claim 7 is incorporated, and Maeda further teaches acquisition means for acquiring control software and storing the control software in both auxiliary storage means and the storage means, wherein the uninstall process executed by the uninstall means includes a stage for deleting the control software from the auxiliary storage means, and the timing control means controls the uninstall means to delete the control software from the auxiliary storage means when the elapsed time reaches a fifth predetermined time (column 11, lines 1-38).

**Per Claim 13 (as best understood):**

This is a method version of the claimed apparatus discussed above, claim 4, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above.

Thus, accordingly, this claim is also obvious.

**Per Claim 16 (as best understood):**

This is a computer-readable recording medium version of the claimed apparatus discussed above, claim 4, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, this claim is also obvious.

**Per Claim 18:**

The rejection of claim 6 is incorporated, and Maeda further teaches storage means for storing installed control software, wherein the uninstall process executed by the uninstall means includes a stage for deleting the control software being the target for the uninstall process from the storage means, and the timing control means controls the uninstall means to delete the control software from the storage means when the elapsed time reaches a fourth predetermined time (column 11, lines 1-16 and see Figure 9).

14. Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeda in view of Davis (U.S. 5,862,393), and further in view of Danforth (U.S. 5,493,680).

**Per Claim 5:**

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The rejection of claim 4 is incorporated, and further, the combination of Maeda and Davis does not explicitly teach wherein the control software to be uninstalled is described in an object-oriented language, the uninstall process executed by the uninstall means includes a stage for unloading classes which was loaded at the time when the control software was installed, and the timing control means controls the uninstall means to unload the classes when the elapsed time reaches a second predetermined time. Danforth teaches wherein the control software to be uninstalled is described in an object-oriented language, the uninstall process executed by the uninstall means includes a stage for unloading classes which was loaded at the time when the control software was installed, and the timing control means controls the uninstall means to unload the classes when the elapsed time reaches a second predetermined time (column 22, lines 19-24).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the apparatus disclosed by the combination of Maeda and Davis to include wherein the control software to be uninstalled is described in an object-oriented language, the uninstall process executed by the uninstall means includes a stage for unloading classes which was loaded at the time when the control software was installed, and the timing control means controls the uninstall means to unload the classes when the elapsed time reaches a second predetermined time using the teaching of Danforth. The modification would be obvious because one of ordinary skill in the art would be motivated to maintain and reuse driver code.

**Per Claim 17:**

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The rejection of claim 5 is incorporated, and Maeda further teaches storage means for storing installed control software, wherein the uninstall process executed by the uninstall means includes a stage for deleting the control software being the target for the uninstall process from the storage means, and the timing control means controls the uninstall means to delete the control software from the storage means when the elapsed time reaches a fourth predetermined time (column 11, lines 1-16 and see Figure 9).

### ***Conclusion***

15. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699 *if calling before October 28, 2004*; otherwise *if calling on or after October 28, 2004*, then the telephone number is (571)272-3730. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

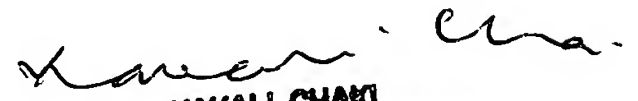
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QN

September 30, 2004

  
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